

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Kevin McNulty
	:	
v.	:	Criminal No. 21-191
	:	
DAVID KUSHNER	:	<u>FOURTH AMENDED</u> <u>SCHEDULING ORDER</u>

This matter having come before the Court; and the United States being represented by Rachael A. Honig, Acting United States Attorney for the District of New Jersey (by Edeli Rivera, Assistant U.S. Attorney, appearing); and the Defendant being represented by Jeffrey Dirmann, Esq. and Frank Agostino, Esq.; and the parties having conferred and having determined that this matter may be treated as a criminal case that does not require extensive discovery within the meaning of paragraph 3 of this Court's Standing Order for Criminal Trial Scheduling and Discovery; and the parties having agreed on an amended schedule for the exchange of discovery and the filing and argument of pretrial motions; and the Court having accepted such schedule, and for good cause shown,

It is on this 9th day of November, 2021, ORDERED that:

1. The Government shall provide all discovery required by Federal Rule of Criminal Procedure 16(a)(1) on or before November 23, 2021.

2. The Government shall provide exculpatory evidence, within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, on or before November 23, 2021. Exculpatory evidence that becomes known to

the Government after that date shall be disclosed reasonably promptly after becoming known to the Government.

3. The Defendant shall provide all discovery required by Federal Rule of Criminal Procedure 16(b)(1) on or before January 11, 2021.

4. The Defendant shall provide any and all notices required by Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3 on or before January 11, 2021.

5. The following shall be the schedule for pretrial motions in this matter:

a) The Defendant shall file any and all pretrial motions, pursuant to Federal Rules of Criminal Procedure 12(b) and 41(h), in the manner set forth in L. Civ. R. 7.1, on or before February 8, 2022;

b) The Government shall file any response to the Defendant's pretrial motions on or before February 22, 2022;

c) The Defendant shall file any reply on or before March 8, 2022;

d) Oral argument on pretrial motions shall be held on a date to be set; and

e) Pursuant to paragraphs 17 to 21 of the Court's Standing Order No 15-2, the Court shall, in consultation with the parties, schedule a final pretrial conference that will be held no sooner than two (2) weeks following

the disposition of pretrial motions. If appropriate, a trial date will be set at this final pretrial conference.

/s/ Kevin McNulty
Honorable Kevin McNulty
United States District Judge